

In the United States District Court of Delaware

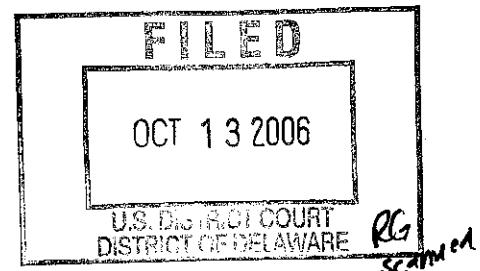
Harry Samuel, Pro se
Plaintiff

v.

C. A. NO. 05-037-SLR

Thomas Carroll (Warden) LT.
Porter, Counselor Kramer, and
the I.B.C.C. (Classification
Committee) and Dental Service.

Defendant



Plaintiff response to State Defendant's Motion for Enlargement
of time out of time D.I. 86 and 7.11 Certificate of Counsel

Plaintiff submit that Plaintiff submitted a Default Motion
to the U.S. District Court for a Default Judgement against
Defendants for being in Default to the District Court Judge's
Court ORDER and not to Prejudice + the Plaintiff.

State Defendants responded to Plaintiff Default MOTION stating
Defendants was in Default because due to the volume of other
Pressing litigation Defendant was not reminded of the instant
law suit. With additional flawed reasons for being in Default.

At this time Plaintiff is waiting on a ruling from the District
Court in regard to Plaintiff Default MOTION.

Now Plaintiff while waiting on the District Court Default
judgement requested a informal Discovery within 30 days.
The Defendants did not meet the 30 day deadline. Thereafter
Plaintiff mailed a letter to Defendants stating/informing
that it have been over 30 days and one week and ~~Plaintiff~~ Defendant
has not responded to Plaintiff informal DISCOVERY request

Thereafter Defendants made no attempt to reach an informal
agreement by mail regarding a Enlargement of time and or
out of time. Instead Defendants move this court for a enlargement
of time to file a response to Plaintiff's discovery requests.
Defendant state the same reason Defendants was in Default
as to the District court order to respond to Plaintiff complaint.
Defendants again state Due to the Press of other litigation
Defendants was unable to meet the deadline.

Plaintiff Submit that Defendants had adequate time to correct this deficient misconduct and deficiency as to Due to the Press of other litigation.

Defendants state additional reason(s) why Defendant did not attempt to contact Plaintiff and attempt to reach an informal agreement regarding a enlargement of time to respond to Plaintiff Discovery request. Defendants state Plaintiff is an unrepresented Prisoner, not able to be reach by telephone and other contact is impractical.

Plaintiff oppose Defendants motion. Plaintiff submit Plaintiff is representing himself as Plaintiff own councel Persuant to Federal Rule as a Pro se litigate.

As Defendants state in Defendant's motion Plaintiff is under the Defendant's supervision therefore Plaintiff Submit Defendants could of supervised a telephone call to Plaintiff regarding a enlargement of time.

Plaintiff Submit Defendants could of corresponded to Plaintiff by legal mail for a informal resolution on Discovery and a enlargement of time. There was a avenue to address this matter.

Plaintiff Submit Defendants are in Default as to Plaintiff Discovery request within 30 days of service. Persuant to Fed. R. Civ. P. 34, 33 and 36. Defendants did ^{not} request an enlargement from the District Court or seek Plaintiff agreement to a enlargement of time within the 30 day deadline here within Defendants objections are waived as a result of Defendant failure to make them in a timely manner

Conclusion

Plaintiff request Defendants motion be denied and Plaintiff request a Default Judgement in regard to Plaintiff Discovery request. Plaintiff also request any relief the Plaintiff is intitled to as a result of Defendants failure to response within the deadline.

Respectfully submitted
Very truly yours
Harry L. Samuel, Pro se

Date 10-10-2006

Certificate of Service

I, Harry Samuel, hereby certify that I have served a true and correct cop(ies) of the attached: Plaintiff response to Defendants enlargement of time motion and 7.1.1 Certificate of Counsel upon the following parties/person (s):

TO: Ophelia M. Waters
Deputy attorney General
Carvel State Building
820 N. french Street
6th, floor
Wilmington, DE, 19801

TO: _____

TO: _____

TO: _____

BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, 1181 Paddock Road, Smyrna, DE 19977.

On this 10th day of October, 2006

Harry L. Samuel, Pro se

Filed 10/13/2006

IM Harry Samuel
SB# 201360 UNIT 23,B,2,U
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

WELFINGTON ONE USA

10 OCT 2006 PM 2 PM



To. Office of the Clerk
United States District Court
844 N. King Street, Lockbox 18
Wilmington, Delaware

19801-3570